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Appl. No. 10/822,465
Amdt. dated September 5, 2006
Reply to Office Action of June 5, 2006
Attorney Docket 15164

REMARKS/ARGUMENTS

Claims 1-17 are currently pending for examination. Claims 1, 2, 8, 9, 13, and 14 are presently amended. No new matter has been added.

Rejection of Claims 1-12 under 35 U.S.C. 112

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The office action provides: "It is unclear what the "therefor" refers to at the end of claim 1." Claim 1 has been amended to remove the unclear term, "therefore", indicated by the examiner. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 1-17 under 35 U.S.C. 102(b)

Claims 1-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by Eis (6151874).

In order for a reference to be an anticipatory reference, the reference must disclose each and every element of the claimed invention. It is respectfully submitted that Eis does not teach or suggest all the elements recited in the claims.

The cited reference of Eis appears to teach a system for the control and adjustment of hydraulic cylinders on work attachments and assemblies of work machines. The system appears to consist of two semi-independent circuits (as can roughly be seen by left and right sides of Figs. 3-5). The semi-independent circuits are fed by a single common central hydraulic system 40 which provides the necessary hydraulic flow to the circuits.

Conversely, the present invention as claimed in Claim 1, utilizes "substantially independent left and right hand electro-hydraulic circuits, each circuit including an independent hydraulic pump and at least one valve operated by electrical signals, interconnecting the hydraulic fluid reservoir and the respective left and right hand hydraulic cylinders" (emphasis added). Claim 1 as presented has been amended to include a limitation originally presented in Claim 2. By using separate independent pumps to provide hydraulic fluid to each side of the header greater control of the header movement can be achieved as described in the present invention.

Claim 1 as presented is believed to be allowable over the cited reference as the cited

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reference of Eis at minimum fails to teach or suggest "each circuit including an independent hydraulic pump" as presently claimed in Claim 1. Claims 2-7 depend from Claim 1 and as such are also believed to be allowable over the cited reference for at least the same reasons as Claim 1. Withdrawal of the rejection is respectfully requested.

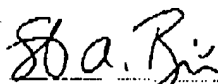
Claim 8 is believed to be allowable over the cited reference, similarly to Claim 1, as Claim 8 claims, in-part, "each circuit including an independent hydraulic pump," which as previously discussed, is not taught or suggested by the cited reference. Claims 9-12 depend from Claim 8 and as such are also believed to be allowable over the cited reference for at least the same reasons as Claim 8. Withdrawal of the rejection is respectfully requested.

Claim 13 is believed to be allowable over the cited reference, similarly to Claims 1 and 8, as Claim 13 claims, in-part, "each circuit including an independent hydraulic pump," which as previously discussed, is not taught or suggested by the cited reference. Claims 14-17 depend from Claim 13 and as such are also believed to be allowable over the cited reference for at least the same reasons as Claim 13. Withdrawal of the rejection is respectfully requested.

No fee is believed due in connection with this Amendment. However, if the Commissioner determines that a fee is due, he is authorized to charge the fee to Deposit Account No. 14-0780.

In view of the above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice of Allowance is respectfully requested.

Respectfully submitted,



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